SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

RICHARD BOEKEN,)
Plaintiff,)
vs.) No. BC 226593
PHILIP MORRIS, INCORPORATED,) Pages 1 to 61
a corporation; INTERNATIONAL)
HOUSE OF PANCAKES, INCORPORATED,)
a corporation; DOES 1-100,)
Defendants.)
)

DEPOSITION OF SIR RICHARD DOLL
TAKEN ON
SATURDAY, MARCH 31, 2001

Reported by: PHILIP D. NORRIS
CSR NO. 4980

Deposition of Sir Richard Doll, taken on behalf of Defendants, at 777 South Figueroa Street, Los Angeles, California, on Saturday, March 31, 2001, at 9:40 a.m., before Philip D. Norris, CSR No. 4980, pursuant to Notice.

APPEARANCES:
FOR THE PLAINTIFF:
LAW OFFICES OF MICHAEL J. PIUZE
BY: MICHAEL J. PIUZE, ESQ.
11755 Wilshire Boulevard
Suite 1170
Los Angeles, California 90025
(310) 312-1102

FOR THE DEFENDANT:
ARNOLD & PORTER
BY: THEODORE J. BRO, ESQ.
777 South Figueroa Street
44th Floor
Los Angeles, California 90017-5844
(213) 243-4008
ALSO PRESENT:
PAULA LAWLOR

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EXHIBITS PAGE
1-Letter to Michael J. Piuze, six pages 24
2-Smoking History of Richard Boeken, one page 44
3-Opening Memo on Richard Boeken, four pages 45

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4-"Smoking, smoking, cessation, and lung cancer in the UK since 1950," seven pages 45
5-"Smoking vs Other Risk Factors as the Cause of Smoking-Attributable Deaths," seven pages 46
6-Fax Message, 3-23-01, one page 47
7-"The Effects of Smoking," 33 pages 48

LOS ANGELES, CALIFORNIA; SATURDAY, MARCH 31, 2001
9:40 A.M.

SIR RICHARD DOLL,
having been first duly sworn, was
examined and testified as follows:

EXAMINATION

BY MR. BRO:
Q. Dr. Doll, do you prefer Dr. Doll?
A. Yes, that's right.
Q. Okay. Have you --
A. Or Richard, if you like.
Q. We'll stay with Dr. Doll.
Have you been previously deposed?
A. Yes.
Q. On approximately how many occasions?
A. Oh, half a dozen or so.
Q. Let me just go over some of the ground rules here. I'm sure you've heard them before, but just so we're all clear.
The testimony you're going to give today is as if it were given in court. You have sworn on an oath.

Although it's an informal setting, it's still under oath.
A. Yes.
Q. In order to answer my questions fully and truthfully, it's important that you understand the question. If for some reason you don't understand the question or it's unclear, please let me know and I'll rephrase it.
A. All right.
Q. Otherwise, I'll assume you understand my question.
Please wait for me to complete my answer -- my question before you begin answering; otherwise, the court reporter will get upset, and I will do the same for you.
A. Okay.
Q. And it's important to give verbal responses, not to shake your head or uh-huh or uh-uh.
A. I understand.
Q. Okay. I ask that you not guess at answers.
A. I beg your pardon?
Q. I ask that you not guess at answers. If you

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23 remember, you can state what you remember, but please
24 don't guess.
25 A. Guess?
5
1 Q. Guess.
2 A. No, no, no.
3 Q. And estimates are okay, but just don't guess.
4 A. Uh-huh.
5 Q. Let me know if you need to take a break for any
6 reason, and we can do that. I just ask that you wait --
7 that you not take a break while a question is pending.
8 A. I will.
9 Q. Is there any reason why you cannot testify
10 fully and truthfully today?
11 A. No.
12 Q. Are you currently taking any medication that
13 would inhibit or impair your ability to understand
14 and/or testify fully and truthfully?
15 A. No.
16 Q. You understand that this is a case by plaintiff
17 Richard Boeken against Philip Morris?
18 A. Yes, I do.
19 Q. And you understand that plaintiff is bringing
20 his claims related to lung cancer?
21 A. Yes.
22 Q. Can you tell me how you came to be involved in
23 this case?
24 A. Yes. Miss Lawlor rang me up and asked me if I
25 would come and give evidence.
6
1 Q. Who is Ms. Lawler?
2 A. Ms. Lawlor.
3 Q. Oh, Lawlor. And she's from Mr. Piuze's office?
4 A. Yes.
5 Q. And when about did she call you?
6 A. When?
7 Q. When?
8 A. I'm not sure. A fortnight ago, about that.
9 Q. Just for clarification, "a fortnight"?
10 A. Two weeks.
11 Q. She called you about two weeks ago?
12 A. I would think so, yes. Must be about two weeks
13 ago. Because I was hoping to come a week earlier than I
14 have come, and it was just before that. Yes, about two
15 weeks ago.
16 Q. And what was said in that conversation, to the
17 best of your recollection?
18 A. Would I come and give evidence in a case that
19 was being brought against the tobacco industry for a man
20 who had developed lung cancer. I can't remember any
21 further details.
22 Q. And you agreed to do that?
23 A. I agreed to do that, yes.
24 Q. Did you ask any questions about the case at
25 that time?
7
1 A. I can't recall asking any, no.
2 Q. So it was a relatively short conversation?
3 A. It was, yes.
4 Q. And since that conversation, have you had any
5 other conversations with anybody from Mr. Piuze's
6 office?
7 A. Well, I had dinner with him last night and we

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8 discussed a few things, and I spent some time with
9 Ms. Lawlor yesterday and again discussed a few things.
10 Q. But between the first conversation and meeting
11 Ms. Lawlor yesterday you had had no other conversations?
12 A. No. No.
13 Q. When did you meet Ms. Lawlor yesterday?
14 A. Well, let's see. It wasn't yesterday, it was
15 the night before I arrived here, on Thursday night, and
16 she met me at the airport, took me to the hotel.
17 Q. And did you have any conversations with her
18 regarding this case at that time?
19 A. Not on the Thursday night, no. In fact, I
20 don't recall really having any discussions with
21 Ms. Lawlor about the case. I have with Mr. Piuze, and
22 yesterday we had some discussions about the case.
23 Q. Okay.
24 A. But she presented me with papers about the
25 case, but I can't recall any significant discussion.
8
1 Q. When did she present you with papers about the
2 case?
3 A. When I arrived here.
4 Q. And can you tell me what those papers were?
5 A. Yes. A history of Mr. Boeken's illness and a
6 history of his smoking habits, about three pages of
7 paper.
8 Q. Okay. Do you have those with you?
9 A. In the car. Have I got them up here?
10 MR. PIUZE: In my car.
11 THE WITNESS: In the car. And, of course, I
12 was given -- I was sent a copy of Mr. Boeken's
13 complaint, a full copy of his complaint.
14 BY MR. BRO:
15 Q. When the complaint was sent to you, were any
16 other documents sent to you?
17 A. I beg your pardon?
18 Q. Were any other documents sent with the
19 complaint?
20 A. No.
21 Q. It was strictly the complaint?
22 A. That's right, yes.
23 Q. And at any time has any other documents been
24 sent to you regarding this case?
25 A. Not specifically regarding the case. I've been
9
1 sent a copy of part of my deposition in the Florida
2 case.
3 Q. And that was sent to you by Mr. Piuze's office?
4 A. Yes.
5 Q. Has Mr. Piuze's office sent you any other
6 documents?
7 A. I can't recall any others, no.
8 MR. BRO: I would request that the three pages
9 be produced that were given to --
10 MR. PIUZE: I've got -- although his are in the
11 car, I've got copies of the -- I can represent it's
12 copies of the exact same stuff. Actually, on mine, my
13 copy of his stuff, Ms. Lawlor's made a couple notes. So
14 I think you better give -- can you run down and get the
15 stuff out of the car, Paula? Is that possible?
16 MS. LAWLOR: Is that what you want?
17 MR. PIUZE: Yes.
18 BY MR. BRO:

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19 Q. And other than the deposition, the three pages
20 and the complaint, you have seen no other documents
21 regarding this case?
22 A. No. Yes, I have seen no other documents
23 regarding the case. The noes and yeses sometimes are a
24 bit confusing in relation to questions you ask.
25 Q. At the time of Ms. Lawlor's phone call to you
10
1 about two weeks ago, that was when you were retained by
2 Mr. Piuze's office?
3 A. Yes.
4 Q. And you said you had a conversation with
5 Mr. Piuze on Friday of last week -- of this week; is
6 that right?
7 A. Yesterday.
8 Q. Yesterday?
9 A. Yes.
10 Q. When did you first have a conversation with
11 Mr. Piuze?
12 A. About six o'clock last night.
13 Q. Okay. And can you tell me what was said?
14 A. No, I can't. We chatted about a lot of things.
15 Q. Well, with regard to this case.
16 A. Very little. Let's see. What did he tell me
17 about the case? My memory from recent events is less
18 good than it used to be. He told me that Mr. Boeken was
19 very near death. That I do remember. We have at one
20 time discussed the histology of Mr. Boeken's tumor.
21 Q. What does the term "histology" mean?
22 A. The type of cell of the cancer. What else have
23 we discussed about Boeken? Oh, we discussed the papers
24 that you're going to see about his attempts to give up,
25 and we discussed how he was able to give up alcohol and
11
1 heroine, but was unable to give up nicotine. Those are
2 things that I remember that we discussed that struck me.
3 I dare say we discussed other things which I can't
4 recall.
5 Q. Okay. Let's go back to your first conversation
6 with Ms. Lawlor. Did she in that conversation tell you
7 what it was that you would be asked to testify on?
8 A. No. Oh, cause of lung cancer, yes.
9 Q. More specifically than that?
10 A. I can't recall anything, no.
11 Q. Did you inquire as to what topics you would be
12 asked to testify on?
13 A. On the development of knowledge about the
14 causes of lung cancer, smoking and lung cancer, yes.
15 Q. Ms. Lawlor told you that?
16 MR. PIUZE: For the record, I should state the
17 following, Mr. Bro: As you probably know, we attempted
18 to use Sir Richard Doll's testimony from the Attorney
19 General's case that had been preserved by deposition,
20 and simply read that deposition to the jury. Your law
21 firm objected to that because you had not had a chance
22 to depose him in this case. We told the judge, I told
23 the judge, that Sir Richard Doll's testimony here would
24 be the same as in Florida via historical perspective and
25 therefore I didn't think a deposition was needed, but
12
1 the judge said, well, it's needed.
2 So I reiterate that his testimony will be as it
3 was in the Florida case on the historical perspective of

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4 the cause of lung cancer by tobacco. So maybe that will
5 help us set the parameters of the conversation here.
6 THE WITNESS: That was my understanding, yes.
7 MR. PIUZE: Nothing to do with Mr. Boeken at
8 all individually.
9 BY MR. BRO:
10 Q. When you received your Florida deposition, did
11 you review it?
12 A. I read through it, yes.
13 Q. Did you take any notes on it?
14 A. No.
15 Q. What was the purpose for reading your Florida
16 deposition?
17 A. To remind myself what I'd said. It was some
18 years ago.
19 Q. So you had dinner with Mr. Piuze last night?
20 A. Yes.
21 Q. Anything else you can recall regarding the
22 Boeken case or smoking and lung cancer in the
23 discussion?
24 A. Well, we discussed how valuable it is to give
25 up smoking. We discussed how long I smoked myself and
13
1 how easy I found it was to give up, and we discussed
2 Mr. Piuze's own past smoking habits and how fortunate it
3 is that he did succeed in giving up. I think those are
4 the main items we discussed.
5 Q. You said you found it was easy to quit smoking?
6 A. I did personally, yes. But then I had very
7 clear evidence of its harm. Be a fool not to stop.
8 Q. When did you stop smoking?
9 A. 1949.
10 Q. Other than the conversations you've talked
11 about, have you had any other conversations with anybody
12 from Mr. Piuze's office?
13 A. No.
14 Q. Did you ever tell anybody from Mr. Piuze's
15 office that you would be unavailable to testify in this
16 case either at trial or in deposition?
17 A. Tell him that I would be unavailable?
18 Q. Yes.
19 A. No.
20 Q. And are you in Los Angeles strictly for the
21 purpose of testifying in this matter?
22 A. I beg your pardon?
23 MR. BRO: Let's go off the record for a moment.
24 (Brief recess.)
25 MR. BRO: Back on the record.
14
1 THE WITNESS: These are the two papers -- I'm
2 sorry.
3 BY MR. BRO:
4 Q. Ms. Lawlor has given you a file; is that your
5 file?
6 A. Yes.
7 Q. And can you tell me what's in that file?
8 A. Yes. The two papers that you were asking about
9 that Ms. Lawlor gave me about Mr. Boeken. And there's a
10 paper that I wrote last year about smoking. There's a
11 paper from the American Cancer Society about smoking and
12 other risk factors as a cause of smoking-attributable
13 deaths. There's my correspondence with Ms. Lawlor. No,
14 just a fax message. There's a report that I wrote on

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the effects of smoking in March -- 22nd of March this year. There's the complaint of Mr. Boeken. And there is part of my deposition in the Florida case. That's the total contents.
Q. Can I take a look at what's in there?
A. Yes, of course.
Q. Can I see those pages?
A. There are two cryptic numbers on here, one of which I have no idea what it was there for, the other of which gives the date when Mr. Boeken tried to stop smoking. I think you'll find I described them

15

accurately.
MR. BRO: Can we go off the record for a moment?
(Brief recess.)
MR. BRO: Let's go back on the record.
Q. Dr. Doll, are you in L.A. strictly for the purpose of testifying at this deposition and at trial?
A. Yes.
Q. Have you been told when you're expected to testify at trial?
A. Yes.
Q. When?
A. Monday.
MS. LAWLOR: I said possibly Monday.
BY MR. BRO:
Q. Who paid your expenses on the trip over from England?
A. Mr. Piuze.
Q. And have you performed any tasks other than your testimony to assist Mr. Piuze in this trial?
A. No.
Q. And how are you charging Mr. Piuze for your work on this case?
A. I'm charging him $2,000 a day for appearing in court and $1,000 a day for my testimony as he otherwise

16

wastes.
MR. PIUZE: With apologies.
BY MR. BRO:
Q. And thus far what have your total billings been in this case?
A. I've had none so far.
Q. Can you estimate what your charges have been thus far?
A. Oh, well, my fare over --
Q. Let me rephrase. I'm not concerned about your fare, I'm concerned about your actual charges for your time.
A. I haven't charged anything yet.
Q. But an estimation of what they would be.
A. Well, I left England on Thursday. So Thursday, Friday, so far that would be $2,000, and today would be $2,000. 4000 so far.
Q. Can you estimate what your total billings have been as an expert witness in tobacco cases?
A. Well, I've only done -- I've only done two tobacco cases.
Q. I mean to include any case where you've either been deposed --
A. I've only been involved in two, Florida and Connecticut. I suppose $20,000 at the outside,

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probably.
Q. You say you've been only involved in two tobacco cases?
A. Yes. Oh, I did one in England which never came to court. I advised. It was thrown out.
Q. Were you not an expert witness in a lawsuit filed by the Marshall Islands against several tobacco companies?
A. But that's not finished yet.
Q. Let me rephrase my question, then. I don't mean whether it's finished or not. I just mean to include any tobacco case where you've worked as an expert witness.
A. Yes. Those three, Florida, Connecticut and the Marshall Islands.
Q. Do you remember a case, a Canadian case, that you were hired as an expert witness in?
A. Yes. I object to the term "hired." To which I consulted.
Q. Okay. Fair enough. There was a Canadian case that you recall consulting on?
A. There was a Canadian case in which I was called in as a consultant, yes, on Canadian law banning the advertising of tobacco.
Q. Was there an Australian case you were involved

in?
A. Yes, there was one. That was one where the Australian tobacco industry had made some untruthful statements in an advertisement.
Q. And you don't recall any other cases you've been consulted on as an expert witness?
A. Oh, dear, you've reminded me of so many. Let me think. There's one in England which never came to trial because the judge threw it out. It was a bad case in the beginning. Let's see. No, I can't think of any other.
Q. And if you don't mind me asking, how old are you, Dr. Doll?
A. 88.
Q. And have you acted as an expert witness in other types of cases other than tobacco cases?
A. Yes, I have.
Q. What types of cases?
A. Radiation, effects of ionizing radiation. I've appeared in several cases for that.
Q. Effects of what type of radiation?
A. Ionizing radiation, x-rays and nuclear radiation. And also in a case involving vinyl chloride, two cases involving vinyl chloride. And I've also appeared as a witness in a case on fluoridation.

Q. What is fluoridation?
A. Adding fluoride to water in order to prevent decay of teeth.
Q. And what was the issue in this case that you testified on?
A. The issue was whether it was harmful for a water authority to have added fluoride to water. As it happened, it was in Glasgow, in Scotland.
Q. What was your conclusion in that case?
A. My conclusion was it was no medical harm. The

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judge's conclusion was quite interesting.
Q. I'm only interested in your conclusions here.
What issue did you testify on the vinyl
chloride cases?
A. Two. It was one quite a long time ago in which
someone was suing a company because they thought vinyl
chloride had caused tumors that the man had, which was
nonsense because the sort of tumor he had was not the
sort that vinyl chloride caused in any case, so that was
quite easy to deal with. The other vinyl chloride is a
difficult case, and it's still ongoing. It's a case
against the Chemical Manufacturers Association alleging
conspiracy to have suppressed knowledge about the
effects of vinyl chloride, and I've been giving evidence
in support of the Chemical Manufacturers Association.

Q. What type of tumors is vinyl chloride alleged
to have caused?
A. It is not alleged to have caused, it does
cause. Particular tumor called angiocarcoma, nearly
always in the liver, but occasionally other parts. And
there has been a question of whether it will cause other
tumors. Brain cancers, for example. I don't think it
has. But the important tumor is angiocarcoma, which it
certainly does cause.
Q. Has there been allegations that vinyl chloride
causes lung cancer of any type?
A. Yes. But very weak evidence. And one time I
wrote a paper which I said I thought it might possibly
cause lung cancer, but I revised that opinion. I came
to the conclusion eventually when more evidence became
available that it didn't.
Q. What was the paper you wrote that concluded
vinyl chloride might cause lung cancer? Do you recall
the title?
A. No, I don't. But I can find it easy enough.
It was a review of all the evidence on vinyl chloride
which I did for the Chemical Manufacturers Association,
which was published in the Scandinavian Journal of the
Health and the Environment about 10 years ago.
Q. So around the early nineties it was published?

A. Early nineties or late eighties, yeah.
Q. And you said you've also testified in cases
involving ionizing radiation.
A. Yes, I have.
Q. What issues did you testify on in those cases?
A. Well, the most interesting, most important one,
was on whether living near a nuclear processing plant in
Britain, called Southfield, which is the main nuclear
reprocessing plant, whether that caused a risk of
leukemia in children of workers. And I testified that
it didn't.
There was another radiation case in which Green
Peace in the Netherlands took advertisements in national
newspapers in which they said that the effect of the
nuclear reprocessing plant in Britain was to double the
stillbirth rate in the neighborhood, and this was
complete nonsense. It didn't. And I gave evidence that
there had been no such effect.
I gave a case, evidence in a case, here in the
States, only I was deposed in England, of a worker in
one of your nuclear power stations who developed myeloid

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22 leukemia. I just gave evidence whether radiation does
23 cause chronic myeloid leukemia, which it certainly does
24 do.
25 And the other case which I'm involved in at the
22
1 present moment involves the Irish government. Some
2 people in Northern Ireland are suing the Irish
3 government and British Nuclear Fuel for putting
4 radioactive waste in the Irish Sea, and I'm involved in
5 that case.
6 Q. With regard to the radiation cases, did any of
7 those involve allegations of lung cancer?
8 A. No.
9 Q. Do you have a copy of your CV with you? Is it
10 in the folder?
11 A. Mr. Piuze has one.
12 MR. PIUZE: Is this it?
13 THE WITNESS: No. I sent you a whole CV, did I
14 not?
15 MR. PIUZE: I don't know whether I got a CV.
16 MS. LAWLOR: If he sent it --
17 MR. BRO: Let's go off the record.
18 (Discussion held off the record.)
19 MR. BRO: We can go back on the record.
20 Q. Dr. Doll, do you maintain a current CV?
21 A. Yes.
22 Q. And do you have a copy with you in Los Angeles?
23 A. No.
24 MR. BRO: Let me have marked as Exhibit 1 a
25 letter from Angel Tang to Mike Piuze, attaching Notice
23
1 of Deposition of Plaintiff's Designated Experts and
2 Requests for Production of Documents.
3 (The document referred to was marked by the
4 reporter as Exhibit 1 for identification and is attached
5 hereto.)
6 BY MR. BRO:
7 Q. Dr. Doll, I'd ask that you look at -- well, you
8 can look at the entire document. You can exclude the
9 cover letter and just look at the document that's
10 attached. My only question is going to be whether or
11 not you've seen this document.
12 A. No.
13 Q. I'd like to ask you to look at page 3, please.
14 A. Yes.
15 Q. It's a request for documents. The first
16 paragraph says -- asks for: "All records, documents and
17 other writings the deponent reviewed or expects to
18 review for this case."
19 Have you provided me with all such documents?
20 A. To the best of my knowledge, yes.
21 Q. And the same question with regard to paragraph
22 2, which says: "All correspondence and other written
23 communication by the deponent concerning this case."
24 A. Now, the deponent is who?
25 Q. Is you.
24
1 A. No, I certainly haven't provided all the faxes
2 I sent Ms. Lawlor about my coming here, matter of
3 details of times of plane and that sort of thing.
4 Q. Nothing substantive regarding this case?
5 A. No.
6 Q. Same question with regard to paragraph 3, which

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says: "All reports, notes and other writings prepared by the deponent or at the deponent's request regarding this case."
A. Yes.
Q. You've provided me with all such?
A. I have provided, yes.
Q. And same question with regard to paragraph 4.
A. Well, I haven't produced any yet.
Q. You haven't created any yet?
A. No.
Q. And same with paragraph 5.
A. No, I haven't created them yet. I asked over the phone for money to be sent for me to pay for my airfare, which was sent. Otherwise, nothing.
Q. And have you prepared a report specific to this case?
A. Partially specific, in the sense that it was a report for another case which I modified and provided Mr. Piuze with, and which you've got.

Q. That was in the folder of documents?
A. Yes.
Q. What case was that report originally prepared for?
A. It was originally prepared for the case in Britain which never came off.
Q. And you have since revised it to make for this case?
A. To a minor extent, yes.
Q. How did you revise it?
A. I can't recall. Altered a few words to make it more grammatically correct, up to date. I added one paragraph at the end about the effect of giving up smoking.
Q. Okay.
A. But otherwise I didn't materially alter it.
Q. And in order to prepare that report, do you recall what documents you reviewed?
A. Oh, I reviewed hundreds of documents to prepare that report. It was all my knowledge that was in it.
Q. Can you tell me what types of documents you reviewed to prepare that report? Let me back up. I assume you reviewed medical literature.
A. Yes. And the references to the report will tell you which ones.

Q. Okay. In preparing that report, did you review any tobacco company documents?
A. No.
Q. Were you instructed by Mr. Piuze to prepare a report for this case?
A. No.
Q. You did that on your own?
A. Yes.
Q. Have you prepared any type of audio/visual presentation for this case?
A. No.
Q. Do you intend to use one with your testimony?
A. No.
Q. Currently how many smoking-related lawsuits are you consulting on?
A. This one and the Marshall Islands. There's potentially one in England which is in the hands of the

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lawyers as to whether they're going to take it on or not.
Q. Prior to this case have you ever worked with Mr. Piuze's office before?
A. No.
Q. Now, you said you had reviewed your Florida deposition in preparation for today.
A. I beg your pardon?

Q. You have reviewed the deposition that was taken in the Florida case?
A. Reviewed would be a rather exaggerated term. I've read through it.
Q. You read through it?
A. Yes.
Q. Okay. And since that deposition was taken have any of your opinions that you offered in that case changed?
A. Yes.
Q. Can you tell me which ones?
A. Yes. My views about low tar cigarettes have changed materially in the last three years, last four years.
Q. Can you tell me how your views on low tar cigarettes have changed?
A. Yes. I used to say that I used to -- in fact, I've gone on record as urging tobacco industries to produce low tar cigarettes, and I have argued that the reduction in the tar delivery that took place between the 1930s and the early 1960s was beneficial, and I still believe it was. Of course, we were talking then about reducing deliveries of 35 or so milligrams and more than one milligram of nicotine down to levels of 20, 25 milligrams.

And I think there is evidence that that was a -- less likely to produce lung cancer, as shown by the observations on the two American Cancer Society studies where the young people, people under the age of 50, in the 1980s, had a slightly lower risk of lung cancer than the people of the same age in the 1960s who had been smoking the much higher tar cigarettes.
I hadn't really followed at all carefully the implications of reducing tar levels below about 20, 25 milligrams, so that it -- I think at the time of the Florida case I may well have just been on record as saying that low tar cigarettes were a good thing. But since then I've had occasion to study the effects of reducing the so-called tar delivery because it's quite an artificial tar delivery, it's measured in an apparatus, and comparison with what people actually get from cigarettes, and various changes in cigarette manufacture and the manufacture of filters, and I've come to the conclusion that that further reduction has not been beneficial, if beneficial to only a marginal extent.
So my views about the reduction in the so-called tar delivery -- I say so-called because it's as measured by formal apparatus, not as measured by what a smoker actually gets -- that that has not been

beneficial.
Q. You would agree that if a smoker were actually

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3 getting less tar that would be beneficial?
4 A. If a smoker was actually getting less tar and
5 taking less into the lungs, that would -- and, of
6 course, not only a question of taking it in, it's a
7 question of what you do with it, how much you breathe
8 out. If you're taking it in and take it right down to
9 the bottom of the lungs, periphery of the lungs, it's a
10 different matter than if you breathe it in quickly and
11 breathe it out again. So these questions of the effect
12 of different types of cigarettes with different tar
13 deliveries, different nicotine contents are very complex
14 and not easy to express a single opinion.
15 But I have changed quite definitely the opinion
16 that I think I proffered in the Florida case that --
17 just a bald opinion that reducing tar delivery was good,
18 and I certainly don't say that now.
19 Q. You said at a certain level reducing tar was
20 good?
21 A. I believe that reducing it from the 35
22 milligrams or so down to the 25 milligrams or so was,
23 leaving the nicotine still about one milligram, that
24 that was a good thing.
25 Q. Okay. And then subsequent further reduction
30
1 you believe just hasn't helped; is that correct?
2 A. That's right, yes. Yes.
3 Q. Do you believe it's been harmful?
4 A. I would require notice of that. I'd have to
5 look into the -- I wouldn't express an opinion at the
6 moment.
7 Q. You have no basis on which to express an
8 opinion on that?
9 A. I'm confident it's not been beneficial.
10 Q. Okay. You said since the Florida case. What
11 have you reviewed that has changed your opinion on that
12 issue?
13 A. I've reviewed a number of papers from the
14 tobacco industry that have been made available, and I've
15 reviewed a number of scientific papers on the way people
16 smoke. But I can't cite them because it hasn't been a
17 special interest of mine.
18 Q. Okay. Do you know which tobacco company
19 documents you have reviewed?
20 A. No. Vast number.
21 Q. Can you give me an estimate of how many?
22 A. Oh, I must have read a couple hundred, I think.
23 Q. And how did you obtain those documents?
24 A. Provided me by lawyers, particularly in the
25 Marshall Island case I've given a lot. Of course, I saw
31
1 a lot in the Florida case. And the Connecticut case I
2 was shown a lot. I've read, of course, all the things
3 in the Journal of the American Medical Association.
4 I've read so many that I have difficulty in identifying
5 specific ones.
6 Q. Would it be fair to say that all of the tobacco
7 company documents that you have reviewed have been
8 provided to you by plaintiff's lawyers?
9 A. No.
10 Q. Where else have you obtained?
11 A. From the Journal of the American Medical
12 Association.
13 Q. The Journal of the American Medical Association

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Source: http://www.tobaccoindustrydocuments.ucsf.edu/docs/nlxd0001

14 reprinted the actual documents themselves?
15 A. Reprinted excerpts -- well, I think I require
16 notice of that. I'm not sure they have -- I require
17 notice to answer that question.
18 Q. Other than the ones that may have been printed
19 in the Journal of the American Medical Association, and
20 other than plaintiff's lawyers, have there been any
21 other source you've had to receive tobacco documents
22 from?
23 A. I don't think I could answer that question
24 honestly on oath.
25 Q. Because you don't recall?
32
1 A. Because I don't recall, yes. I've read so much
2 that I couldn't recall all sources.
3 Q. You've never done an independent review of
4 tobacco documents, have you?
5 A. No.
6 Q. At the time of your deposition and testimony in
7 the Marshall Islands case, had you -- did you express
8 your -- were your views similar to the Florida views on
9 low tar cigarettes or similar to the views you've
10 offered today?
11 A. It hasn't come up in relation to that case, but
12 it would be the same as I told you just now.
13 Q. Do you recall the dates of when the cigarette
14 tars were reduced from 35 to 25?
15 A. Oh, between the thirties and early sixties. I
16 probably know more -- if I can refer back to my own
17 papers, I probably know more about that than most people
18 because I tried to find out what changes had been in tar
19 delivery over the fifties and before that, forties and
20 fifties. And I sought from the tobacco industry in
21 England information. I asked for specimens of
22 cigarettes that we could test, and the tobacco industry
23 told me they had no cigarettes of that period.
24 I reported this at a public lecture, and a
25 journalist was intrigued by my statement that the
33
1 tobacco industry had no samples of cigarettes from an
2 earlier period that they could provide me with. And he
3 wrote this in a newspaper and said that I would be
4 interested to receive samples. Do you know, I received
5 2,000 samples of packets of cigarettes from all over
6 England, some of them going back to 1890? And my
7 colleague Wald and I were able to do a detailed analysis
8 of the tar deliveries for cigarettes manufactured from
9 the early part of this century up until 1960, and that's
10 how I know what the tar deliveries were.
11 Q. Did you publish those results?
12 A. Yes.
13 Q. Do you recall the title of the article?
14 A. No, I don't recall the title. It was some 20
15 years ago. But it was with my colleague Wald. I can
16 find it for you quite easily.
17 Q. Do you recall where it was published?
18 A. Oh, either the LANCET or the BMJ, one or the
19 other.
20 Q. Other than your change regarding low tar
21 cigarettes, have any of your other opinions changed
22 since your Florida deposition?
23 A. Allow me a few moments to think about it.
24 Q. Take your time.

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25 A. Yes. I'm now confident that tobacco does not
34
1 prevent Alzheimer's disease. At the time of the Florida
2 deposition I put query, possibility of prevention of
3 reducing the risk of Alzheimer's disease as one of the
4 possible benefits of smoking, and since we've done
5 research on it ourselves come to the conclusion that
6 tobacco does not reduce the risk of Alzheimer's. That's
7 one change of opinion.
8 Q. You have personally published papers on the
9 Alzheimer's issue?
10 A. Yes. 1999. See if anything else has changed.
11 The Alzheimer's and the low tar, I can't think of
12 anything else. If I think of anything else later I'll
13 let you know.
14 Q. Okay. Why is it that you believe that further
15 reduction below 25 in the tar level has not been
16 beneficial?
17 A. It's not the reduction itself, it is that the
18 type of cigarettes and the way it's being reduced is
19 artificial in that it's reduced delivery as tested by
20 some machine which does not represent actually how
21 people smoke. To give one example, one of the ways of
22 reducing the delivery as far as the machine is concerned
23 is to have small perforations in the filter, and this
24 dilutes the smoke. And, of course, when people actually
25 smoke they cover up those perforations. That's one of
35
1 the reasons.
2 And then, of course, there have been changes of
3 some sort in tobacco such that there is a greater
4 absorption of nicotine than there would be from smoking.
5 Q. Okay. Let me ask you this: If the
6 perforations are not covered up, is there some benefit
7 from the lower tar cigarettes?
8 A. Well, I don't know because that's not how
9 people smoke. As far as the studies that I've seen --
10 and I can't recall the references at the moment, but
11 I'll look for them -- people's absorptions are really
12 very similar. They're not reduced by having the
13 perforations.
14 Q. Have you done a study reviewing how a smoker's
15 smoke?
16 A. No. My colleague, first of all, who used to be
17 a member of my department, and I followed his reports on
18 compensation.
19 Q. And you also testified that the absorption of
20 nicotine is higher currently; is that what I understood
21 you to say?
22 A. I understand that the absorption of nicotine
23 from smoking a particular cigarette -- I mean, yes, in
24 relation to the nicotine as measured by the delivery, as
25 measured by the machine that tests it.
36
1 Q. What is your basis for that opinion?
2 A. Papers I've read, but I can't give you the
3 reference to them at the moment.
4 Q. You've done no independent study?
5 A. No.
6 Q. When you talked about compensation, do all
7 smokers compensate when they smoke light cigarettes?
8 A. Most do.
9 Q. And do you have an opinion as to how long the

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10 compensation effect lasts for?
11 A. I don't follow you.
12 Q. Do they continue to compensate the entire time
13 they smoke light cigarettes or do they eventually no
14 longer compensate?
15 A. My understanding is they continue to
16 compensate.
17 Q. Indefinitely?
18 A. Yes. That's my understanding.
19 Q. And what is your understanding based on?
20 A. On the work of my colleague, Professor Wald.
21 Q. Since your deposition in Florida, which I
22 believe was early in 1997 --
23 A. Yes.
24 Q. -- have you published any articles or books?
25 A. About 10 a year. 10, 20 articles a year,
37
1 actually.
2 Q. And those would be reflected on your CV?
3 A. Yes.
4 MR. PIUZE: Sir Richard, that's more than I've
5 been publishing lately.
6 THE WITNESS: My average is between 10 and 15 a
7 year.
8 BY MR. BRO:
9 Q. Since the Marshall Islands case have you given
10 a deposition in a tobacco-related case?
11 A. The Marshall Islands case is still on, it isn't
12 finished.
13 Q. I understand. But since you gave your
14 deposition in that case, which I believe was March of
15 last year --
16 A. Yes.
17 Q. -- have you been deposed in any tobacco-related
18 case?
19 A. No.
20 Q. Did you produce a report in the Marshall
21 Islands case?
22 A. I can't remember.
23 Q. Other than reviewing your deposition in the
24 Florida case, have you done anything else to prepare for
25 your deposition today?
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1 A. Well, I've read all the papers here. I've read
2 all the papers about the complaint.
3 Q. Okay. The ones that are in the folder you've
4 produced?
5 A. Yes.
6 Q. Have you done anything else?
7 A. I don't think so. If I can think of anything
8 else I'll let you know.
9 Q. Other than the people we've discussed, have you
10 discussed this deposition with anybody else?
11 A. No.
12 Q. Has Mr. Piuze's office provided you with any
13 tobacco company documents?
14 A. No.
15 Q. Do you expect them to?
16 A. No. Just a minute. I have seen some of the
17 exhibits which Mr. Piuze may be showing. I don't know
18 whether he has or not. And some of them contain tobacco
19 company materials. So I have seen that.
20 Q. Mr. Piuze showed you exhibits from this case?

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21 A. No. Ms. Lawlor showed me some papers that he
22 might or might not use, I don't know, which she has
23 prepared.
24 Q. Do you recall what those papers were?
25 A. Well, one, for example, was the Frank
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1 statement, which I have seen many times before, but I
2 was interested to see it this time because I noticed
3 something in it which I hadn't noticed before, which I
4 found rather striking.
5 Q. What was that?
6 A. That was a lie which I hadn't realized that it
7 contained. It was the statement that statistics that
8 had been produced for lung cancer and smoking were
9 like -- similar to ones that had been produced, that
10 were available in relation to all sorts of other data
11 activities, and that was just a complete untruth.
12 Q. That was untrue in 1954?
13 A. It was a complete untruth in 1954, and they
14 must -- well, I've been ticked off before by saying they
15 must have known it was an untruth. But, no, it was an
16 untruth then, yes.
17 Q. Other than the tobacco industry, do you know
18 any other people that had that belief?
19 A. Had what belief?
20 Q. That there was statistics associating lung
21 cancer with other environmental --
22 A. Well, there weren't any, you see, and that's
23 what was untrue. What they were trying to imply was the
24 statistics relating smoking to lung cancer was merely
25 sort of ecological, what we call an ecological
40
1 correlation of changes over time, increased consumption
2 of cigarettes correlating with the increased consumption
3 of -- increase of lung cancer. And, of course, you
4 could point to increased use of television sets or you
5 could point to, certainly, increased motor traffic.
6 But, of course, the statistical evidence
7 relating lung cancer to smoking was not that at all, it
8 was personal data relating to individuals. And there
9 was absolutely no personal data relating to individuals
10 which showed the sort of relationships which were shown
11 between smoking and lung cancer, so it was a downright
12 untruth.
13 Q. Were there statistics showing association
14 between lung cancer and atmospheric pollution in 1954?
15 A. No. Well, some very weak one, yes. There was
16 the ecological one about people in large towns having
17 more lung cancer than people in the countryside. But
18 when you got down to try to actually measure lung
19 cancer -- measure atmosphere pollution related to the
20 risk of lung cancer, the differences were trivial. And
21 there was only one paper, Stocks', Stocks & Campbell, in
22 England, which showed a small relationship, but nothing
23 like the relationship with smoking and lung cancer. So
24 there was no relationship, there was no similar data for
25 atmospheric pollution and lung cancer.
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1 The statistician of the tobacco industry in
2 England tried to prove there was in the early years, and
3 this was -- his evidence was completely dismissed by
4 government committee that reviewed it.
5 Q. Who was that statistician?

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A. Jeffrey Todd.
Q. When was it dismissed by the government?
A. 1953, plus or minus one year.
Q. What do you mean when you say an ecological study?
A. Ecological studies are studies in which you relate the instance of disease in a community to some characteristics of the community, without any detailed information about individuals within the community.
Q. Other than the Frank statement, what other documents did Ms. Lawlor show to you?
A. I can't recall. They didn't make an impression on me.
Q. Do you recall approximately how many there were?
A. Might be half a dozen.
Q. And did she tell you anything about those documents?
A. Not that I recall.
Q. Did she tell you that you may be asked to

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testify on those?
A. No.
Q. Had you seen all of those documents before?
A. In fact, my understanding was that I would not be concerned with testifying about them. I hope I shall have the opportunity to testify about the Frank statement because that was something that was such an important thing at the time.
Q. The documents that you were given or shown, had you seen those before?
A. Some of them, yes.
Q. And those were tobacco company documents?
A. Yes.
Q. Do you recall which company's documents they were?
A. Oh, I'm guessing. No, I must not guess.
Q. You don't recall which?
A. I would say Philip Morris, yes.
MR. BRO: I would request that those documents be produced.
MR. PIUZE: Why?
MR. BRO: Basis for his opinions.
MR. PIUZE: It's not a basis for his opinion. He just finished telling you that he's not going to testify about documents. If you really want us to --

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she's making some demonstrative stuff, I think, showed him her artwork --
MR. BRO: If you're not going to show him documents, that's fine.
MR. PIUZE: But be aware of the Frank statement which he's...
MR. BRO: Right.
MR. PIUZE: Okay.
BY MR. BRO:
Q. I take it you've never met Mr. Boeken.
A. No, I have never met him.
Q. Did you read his deposition in this case?
A. The complaint is what I've read, thick volume.
Q. Did you review his medical records?
A. Only the paper that you have seen so far that contains medical records.

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Q. Why don't we go through these papers that you've produced. The first I'm going to have marked as Exhibit 2, a document entitled "Smoking History of Richard Boeken."
(The document referred to was marked by the reporter as Exhibit 2 for identification and is attached hereto.)
THE WITNESS: May I ask, are these copies?
MR. BRO: These are your originals.

Q. This document was given to you by plaintiff's counsel?
A. Yes.
Q. And were you told anything about that document?
A. Not specifically.
MR. BRO: Let's mark as Exhibit 3 "Open Memo on Richard Boeken."
(The document referred to was marked by the reporter as Exhibit 3 for identification and is attached hereto.)
BY MR. BRO:
Q. And this document, Exhibit 3, was also provided to you by plaintiff's counsel?
A. Yes.
MR. BRO: And let's mark as Exhibit 4 an article entitled "Smoking, smoking cessation, and lung cancer in the UK Since 1950."
(The document referred to was marked by the reporter as Exhibit 4 for identification and is attached hereto.)
BY MR. BRO:
Q. Is Exhibit 4 an article you have co-authored?
A. Yes.
Q. And did you provide that to Mr. Piuze?
A. I don't think I have provided it. I brought it

myself. May I ask him if I provided it? I don't think I have.
MS. LAWLOR: Isn't this what --
THE WITNESS: No, I haven't provided it.
BY MR. BRO:
Q. They gave it to you?
A. I wanted to fax my secretary to send me out one, and Ms. South (sic) had the brilliant idea to see if it was on the Internet, and it was on the Internet, so he just pulled it off and gave me a copy.
Q. You can get anything on the Internet these days.
MR. PIUZE: Maybe we can get the CV off the Internet.
THE WITNESS: No, it's not on it. I hope it's not on it.
MR. BRO: I'd like to have marked as Exhibits 5 an article entitled "Smoking Versus Other Risk Factors as the Cause of Smoking-Attributable Deaths."
(The document referred to was marked by the reporter as Exhibit 5 for identification and is attached hereto.)
BY MR. BRO:
Q. Can you tell me how you came to be in possession of Exhibit 5?

A. Yes. It's an article from the Journal of the

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American Medical Association which I was interested in and took a photocopy of.
MR. BRO: Let's mark as next in order a fax cover sheet --
THE WITNESS: I must go back. I must correct that statement. One of the authors sent it to me, Michael Thun sent it me.
BY MR. BRO:
Q. And have you read that article?
A. Yes, I have.
MR. BRO: A fax cover sheet from Richard Doll to Paula Lawlor.
(The document referred to was marked by the reporter as Exhibit 6 for identification and is attached hereto.)
BY MR. BRO:
Q. Exhibit 6 is a fax cover sheet that says that there were 24 pages attached to it. Do you know what the 24 pages were?
A. Yes. That was the report that you have here.
MR. BRO: Okay. Let's mark as next in order the "Effects of Smoking, A Report by Sir Richard Doll."
///
///

(The document referred to was marked by the reporter as Exhibit 7 for identification and is attached hereto.)
BY MR. BRO:
Q. Take a look at Exhibit 7; is that the report that was attached?
A. Is more than the report that was attached because I only faxed 24 pages, and the references I sent subsequently. They went by post and attached subsequently. There are the 23 pages of the text, and then there was a letter saying here is the paper. And the references I sent by post subsequently.
Q. And this is a report that you prepared on March 22nd, 2001?
A. Yes.
Q. And it was prepared in connection with a smoking-related case in England?
A. Largely it was, yes. With some modifications and bringing up to date and the addition of a section at the end.
Q. And the section at the end is "Benefit From Stopping Smoking"?
A. Yes. Which I appended because I thought it was relevant to the case.
Q. Do you believe there's a benefit to stopping

smoking?
A. I certainly do, yes. I hope you do, too, if you smoke.
Q. And do you believe at any age there's a benefit to stopping smoking?
A. Yes. The earlier, the sooner you stop, the greater the benefit. But there is a benefit of stopping, as we've shown, of stopping over the age of 65. More likely to live to 85.
Q. Can you tell me what opinions you intend to offer at trial regarding the history of the connection between smoking and lung cancer?

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13 A. How long have we got? I mean, do you want two
14 minutes, five minutes or a half an hour?
15 Q. Why don't you give me the two-minute version of
16 what you intend to offer.
17 A. I will offer information about the origin of
18 the idea that smoking was related to lung cancer. Then
19 some of the early evidence in Germany, which was
20 suggestive but not conclusive. And then the massive
21 data that came out in 1950 and the fact that we were
22 able to conclude in 1950 that cigarette smoking was a
23 cause of lung cancer. And then the reaction to our
24 paper and contemporaneous paper by Wynder & Graham in
25 the United States and looking around for another way of
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1 testing the hypothesis that would be more -- that would
2 be more convincing to current people at the time.
3 And the way we started our study of British
4 doctors and the way other people, in America and other
5 countries, did similar studies. And then the gradual
6 discovery of the ability of tobacco tars to cause cancer
7 in animals and the presence of carcinogenic substances
8 in tobacco smoke. And the gradual acceptance by
9 scientists of the validity of our initial 1950
10 conclusion that smoking was an important cause of the
11 disease, particularly the conclusions in the Medical
12 Research Council in 1957 showing how in several other
13 countries special committees were appointed reached the
14 same conclusion in 1957. How really it was established
15 by 1957 by serious workers in the field that it was
16 accepted that it was a cause. And then leading on to
17 the paper, to the reports by the British College of
18 Physicians and the Surgeon General confirming the
19 conclusion.
20 And then, of course, the gradual development of
21 less relevance today of the appreciation that it caused
22 many other diseases as well. And I would refer to the
23 objections that were raised against the -- our
24 conclusion and the reasons for which they were
25 dismissed.
50
1 Q. How would you characterize the evidence prior
2 to 1950 in the scientific community that there was an
3 association between smoking and lung cancer or that
4 smoking caused lung cancer?
5 A. I would call it weak. The best study was one
6 done in Germany in 1943 which, as it happened, was
7 reported in a journal which didn't get to England or the
8 United States during the war and wasn't known about
9 until -- and never got put in the Index Medicus -- and
10 wasn't known about until the early fifties. That was
11 really quite suggestive evidence, but the author said it
12 wasn't strong enough to conclude that it was a definite
13 cause, but it strongly suggested that it was a cause.
14 And that made use of the ecological evidence
15 that I referred to earlier, which is supporting, not
16 conclusive. And the experimental evidence from a man
17 called Roffo in the Argentine who they thought had shown
18 that cigarette tars did cause cancer in animals and
19 contained benzpyrene, but the British and American
20 cancer research workers thought that the Argentinean
21 worker burnt the tobacco at too high temperatures, so it
22 wasn't accepted in Britain. But it was certainly
23 believed in Germany, so that was why the Germans took

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their work -- their first work in '39 and '43 more seriously than we did in this country, in the United

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States. 1950 was really the watershed of when the subject came one that many, many scientists were interested in and opinions began to change.
Q. Do you intend to offer any opinions at trial regarding tobacco advertising?
A. No.
Q. Do you consider yourself to be an expert on the effects of advertising on consumers?
A. I consider myself to have a fair amount of knowledge of it, but not -- sort of intermediate, intermediate specialist knowledge.
Q. It's not your principal field of study?
A. It's not my principal field, no. But on the other hand I'm not completely ignorant of it. It's a subject which I would express an opinion on.
Q. What opinion would you offer?
A. I would offer the opinion that it encourages people to smoke. Of course, it encourages them to smoke a particular type of cigarette, but it does also encourage smoking.
Q. Do you have an opinion on the association between cigarette smoking and bronchioloalveolar carcinoma?
A. No. I haven't seen enough cases.
Q. You haven't reviewed the literature on the

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subject?
A. No. Well, that's, again, misleading. I have read a certain amount about it, naturally particularly in the early days, but I haven't in the last year or so. And I haven't seen enough evidence to feel like I can draw a conclusion.
Q. Do you intend to offer an opinion at trial on addiction?
A. If asked, yes.
Q. And what is your opinion on addiction?
A. Has been known since the 1930s that nicotine was addictive. Unfortunately, the WHO definition of addiction was such that for some years WHO didn't put it in amongst the addictive drugs, heroine and morphine, for technical reasons. But people who were interested in the subject have had no doubt that it was addictive back in the 1930. Indeed, even before that because tobacco sales were prohibited in 11 states in the United States in the beginning of the century on the grounds that it was addictive. And, of course, Hitler's great opposition to smoking was that he believed it was addictive.
So there's a long history of knowledge of the addictive character and nature of nicotine. And I had my knowledge from experiments carried out by a friend of

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mine, Lennox Johnston, evidence its addictive nature and the way -- how addiction could be relieved -- the symptoms could be relieved by injections.
Q. Can you define the term "addictive"?
A. Not probably as a dictionary definition. I would define it as a behavior which is difficult to stop.
Q. But even if something that you classify as

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9 addictive, you can still stop; correct?
10 A. Most people can, but there are people who find
11 it so difficult that it would be fair to say they can't
12 stop. I think there's little doubt there are genetic
13 factors which affect people's susceptibility to
14 addiction. Some people are much more readily addicted
15 than others.
16 Q. And you mean that in the general sense?
17 A. Yes.
18 Q. Not just with regard to cigarettes?
19 A. It does apply to cigarettes. It applies to
20 nicotine, but it applies to alcohol and it applies to
21 other addictive materials, yes.
22 Q. If someone has a genetic predisposition to
23 addictive behavior, would you draw a distinction between
24 different substances?
25 A. Yes.
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1 Q. Why is that?
2 A. As far as I know, that is what the evidence
3 implies. There's no similarity between addiction to
4 alcohol and addiction to nicotine.
5 Q. So somebody could be pregenetically
6 predispositioned to alcohol addiction but not nicotine
7 addiction?
8 A. Yes.
9 MR. BRO: Let's take a two-minute break. I
10 need to go over my notes.
11 MR. PIUZE: Sure.
12 (Brief recess.)
13 BY MR. BRO:
14 Q. Just a few more questions, Dr. Doll, and then
15 you can enjoy the rest of your day.
16 A. Thank you.
17 Q. If the Marshall Islands case goes to trial, do
18 you intend to testify?
19 A. Yes.
20 Q. Do you intend to do any additional work prior
21 to your testimony in this case?
22 A. No.
23 Q. No documents you're intending to review,
24 anything of that nature?
25 A. In the next 24 hours you mean? No.
55
1 Q. Are you currently -- do you have any
2 publications in process?
3 A. Yes.
4 Q. Can you just tell me briefly what they're
5 regarding?
6 A. Effects of alcohol.
7 Q. I'm sorry, effects of alcohol on?
8 A. On all sorts of medical conditions in general.
9 Q. Does it include a section on lung cancer?
10 A. I'm not sure whether I'm going to look at lung
11 cancer. I may do. I haven't made up my mind.
12 Q. Let me back up for one second. Do you believe
13 there's a connection between alcohol and lung cancer?
14 A. I believe there's not a connection between it,
15 other than the connection you get through confounding
16 the heavy cigarette smoker and heavy drinker tending to
17 be the same person. Well, I'm working at the present
18 moment on the effects of mobile phones. I'm still doing
19 a lot of work on causes of pediatric cancer. What else

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20 am I doing? Oh, and I shall be very shortly starting a
21 50-year follow-up of the British doctors, smoking habits
22 we got in 1951, November of this year.
23 Q. Are you currently employed?
24 A. I'm employed by National Regulatory Protection
25 Board in the sense that I get a retainer for working for
56
1 them on non-ionizing radiation. That's the only
2 salaried appointment I have.
3 Q. And is your research funded by any particular
4 group?
5 A. No. No. My other research is done as part of
6 Peto's unit, and he has funds from all over the place.
7 Q. And Professor Peto is somebody -- is one of
8 your co-authors on several things?
9 A. And there is a pediatric cancer study which has
10 been funded by various cancer charities, electricity
11 industry and lots of other people.
12 Q. And you testified you quit smoking in 1949?
13 A. Yes.
14 Q. And how long had you been smoking?
15 A. About 18 years, I think. 18, 19 years.
16 Q. And you quit cold turkey?
17 A. I did.
18 Q. And have you smoked since then?
19 A. Yes. I used to smoke a cigar after dinner,
20 public dinners. They were passed around. But I had to
21 give that up because I found that a dear friend of mine,
22 who smoked a lot of cigars and died of a smoking-related
23 disease, died of aortic aneurysm, used to say it was
24 safe to smoke cigars because I did, and I felt I
25 couldn't take that responsibility. And I've given up my
57
1 occasional cigar, I'm afraid.
2 Q. If I could just see the exhibits. Let me ask
3 you to take a look at Exhibit 5. Why is that in your
4 file regarding this case?
5 A. I thought it was something I might be asked
6 about by you.
7 Q. And why did you think that?
8 A. Because I've been asked about it in other legal
9 cases.
10 Q. It's not an article you wrote?
11 A. No, I didn't write it.
12 Q. And did you have any involvement in it?
13 A. Well, I work very closely with Michael Thun. I
14 had published articles with Michael Thun, who is a
15 scientist with the American Cancer Society. He spent a
16 year in our unit a couple of years ago, and I have
17 published with him.
18 Q. And he's a respected scientist?
19 A. He is indeed, yes.
20 MR. BRO: I have no further questions,
21 Dr. Doll.
22 THE WITNESS: Thank you.
23 MR. BRO: Let's go off the record for a minute.
24 (Discussion held off the record.)
25 MR. BRO: It's stipulated by the parties that
58
1 the court reporter is relieved of his duties pursuant to
2 the Code. The witness shall have until Tuesday morning
3 to read and sign his transcript. If a signed transcript
4 is not available, a certified copy can be used as if it

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were a signed original.
MR. PIUZE: Yes, that's going on the assumption that we receive the deposition early Monday. And with that in mind, that's agreeable.
THE REPORTER: Where shall I send it?
MR. PIUZE: I think the best way to handle it would be to deliver the original to the Biltmore Hotel for Dr. Richard doll, with a copy to me, please.
THE REPORTER: Do you have the address?
MS. LAWLOR: 506 South Grand Avenue.
(Whereupon at the hour of 11:15 a.m. the deposition was concluded.)

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Declaration

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.
I declare under the penalties of perjury of the State of California that the foregoing is true and correct.
Executed on the day of , 2001
at , California.

W i t n e s s

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I, Philip D. Norris, a Certified Shorthand Reporter for the State of California, do hereby certify:
That prior to being examined, Sir Richard Doll, the witness named in the foregoing deposition, was by me duly sworn to testify the truth;
That said deposition was taken before me pursuant to notice, at the time and place therein set forth, and was taken down by me in shorthand and thereafter reduced to typewriting via computer-aided transcription under my direction;
I further certify that I am neither counsel for, nor related to, any party to said action, nor in anywise interested in the outcome thereof.

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In witness whereof, I have hereunto subscribed my name this day of , 2001.

Philip D. Norris
CSR NO. 4980

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